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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/432,523 11/03/99 GRAY

J 100344-005-

EXAMINER

QM32/0312

LEADER W  
ART UNIT

PAPER NUMBER

#12

3731  
DATE MAILED:

03/12/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. <b>09/432,523</b>	Applicant(s) <b>Gray et al.</b>
	Examiner <b>William Lewis</b>	Group Art Unit <b>3731</b>

Responsive to communication(s) filed on Nov 13, 2000

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 37-39 and 41-45 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 37-39 and 41-43 is/are rejected.

Claim(s) 44 and 45 is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

  
**WILLIAM LEWIS**  
**PATENT EXAMINER**  
**GROUP 3300**

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3731

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 43 is rejected under 35 U.S.C. 102(b) as being anticipated by Schoolman (US Patent 4,483,562). Schoolman discloses a device (1) comprising engaging means (12, 14), a shaft (2) comprising uniform sections (31, 33) and a handle assembly (7). The statements of intended use have been carefully considered but deemed not to impose any structural limitations on the claims patentably distinguishably over the Schoolman device which is capable of operating in the claimed manner.

3. Claims 37-39, 41 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Clossick (US Patent 4,945,920). Clossick discloses a device (10) comprising engaging means (31, 32), a one-piece, malleable shaft (52) and a handle assembly (16). The statements of intended use have been carefully considered but deemed not to impose any structural limitations on the claims patentably distinguishably over the Clossick device which is capable of operating in the claimed manner.

Art Unit: 3731

***Allowable Subject Matter***

4. Claims 42 and 43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

5. Applicant's arguments with respect to claims 37-39 and 41-45 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to W. Lewis whose telephone number is (703) 308-0060.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Recla, can be reached on (703) 308-1382. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3590.

Art Unit: 3731

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.



WILLIAM LEWIS  
PATENT EXAMINER  
GROUP 3300

WL

March 12, 2001